
Chapter 8 – Personnel Records

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Section I Personnel Records

Purpose

It is the purpose of this policy to set forth the procedures for the maintenance and retention of personnel files.

Scope

This policy applies to the personnel records of all employees.

A. Definitions

1. Records

All written or printed books, papers, letters, documents, maps and tapes, photographs, films, sound recordings, reports or other material, regardless of physical form or characteristics, prepared, owned, or in the possession of the LDSS or of any employee or officer of the LDSS about an employee prepared in the transaction of public business.

2. Personnel File

The "official" or master personnel file includes documents with original authorization signatures relating to an individual's employment with the LDSS. Documents that by law are to be kept confidential will be maintained in an "official confidential" personnel file.

B. Collection of Information

1. Necessary Information

Only information that is required by law or necessary for the effective and efficient operation of the personnel system may be collected and retained.

2. Accuracy of Information

All information retained in the personnel file shall be accurate, complete, timely, and pertinent.

3. Social Security Number

Social security numbers (SSN) shall be collected only as may be authorized under

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26 U.S.C. § 6011, the U.S. Code of Federal Regulation § 31.6011(b)-2(b), and § 2.2-3808. This information will be used to:

- a. Comply with federal, state, and local reporting requirements.
- b. Administer benefits programs.
- c. Effect personnel transactions related to employment status changes.

4. Maintenance of Records

An employee's personnel records are to be maintained in a secure location with access limited to those who have a need to know or who otherwise have been designated by the Director.

C. Contents of Personnel Records

1. Official Personnel File

A LDSS will maintain a personnel file for each employee. The personnel file should contain, at a minimum, the following information:

- a. Applications for Employment with original signature(s).
- b. Letters offering/accepting employment.
- c. Report of appointment or change of status.
- d. Performance evaluations. [Any documents related to interim performance evaluations should not be kept in the official personnel file, except as such evaluations serve as supporting documentation to a Written Notice.]
- e. Consent and/or acknowledgement forms.
- f. Written Notices issued under the Standards of Conduct.
- g. Authorizations for salary actions.
- h. Position description and performance standards.
- i. Other forms used to initiate personnel transactions.

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2. Official Confidential Personnel File

Because state and federal law require that certain information be kept confidential and access to such information limited, the following documents must be kept in a confidential personnel file(s):

- a. Information regarding Workers' Compensation claims.
- b. Medical and/or mental health records (including those submitted to support a request for leave).
- c. Employment Eligibility Verification (I-9) form.
- d. Grievance records.
- e. Discrimination and/or retaliation complaint files.

3. Optional Inclusions in Official Personnel File

The following other records may be included in the official personnel file, or may be maintained separately:

- a. State and federal withholding forms.
- b. Health insurance enrollment forms and Virginia Retirement System and Life Insurance beneficiary designation forms.
- c. Leave records and time sheets.
- d. Training certificates and/or other training or scholastic records including records related to educational assistance.
- e. Records of convictions and investigations.
- f. Recruitment and selection records.
- g. Letters of recommendation and/or references.
- h. Exit interviews.
- i. Unemployment Compensation documents.

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4. Supervisor's Files

Supervisors may maintain work related information on employees in the work unit. The information collected and retained should be only that in which there is a need-to-know or is useful for performance management.

D. Disposition of Personnel Files on Separation

1. Disposition of Supervisors' Files

Supervisors' records are considered working files and information in them should be maintained only as long as it is useful to the supervisor.

When employees separate from employment, supervisors' files should be destroyed in a manner that prevents accidental disclosure of personal information. Interim evaluations performed to provide input for the evaluation of employees who are transferring laterally, or to provide information to new supervisors (when supervisors transfer) should be forwarded to the Director for appropriate transmittal or retention.

2. Disposal of Personnel Records

- a. The Records Management Section of the Virginia State Library and Archives policies must be followed when records are to be destroyed.
- b. Personnel records must be disposed of in a manner that prevents accidental disclosure of personal information.